

10-29-04

1 FW



Docket No. 55647-C (45107)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: C. Meese, et al.

Serial No.: 10/766,233

Group: 1624

Filed: January 27, 2004

Examiner: Z. Tucker

FOR: NOVEL DERIVATIVES OF 3,3-DIPHENYLPROPYLAMINES

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION UNDER 37 C.F.R. 1.10*
(Express Mail label number is mandatory.)
(Express Mail certification is optional.)

I hereby certify that the papers indicated as being transmitted therewith is being deposited with the United States Postal Service on this date **October 27, 2004**, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **EV517914068US**, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mail Stop .Amendment

Lee Dunkle
(type or print name of person mailing paper)

Lee Dunkle
Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

Applicants submit herewith the following response to the Office Communication dated September 28, 2004.

In response to the Restriction Requirement set forth in the Office Communication, Applicants elect without traverse Group I, as defined in the Office Communication to include the

C. Mèese, et al.

U.S.S.N. 10/766,263

Response to Restriction Requirement

Page 2

subject matter of claims 28, 29, 31, 32, 36, 37, 39, 41-43 and 46-49 (all in part), drawn to compounds of formulae (I), (VII) and (VII'), wherein both of or one of R and R' is alkyl, cycloalkyl or benzyl, the other one of R and R' being hydrogen when both are not as defined as in this Group, classified in class/subclass 564/316 (aromatic amines with an ether function), a process for making the compounds, pharmaceutical compositions comprising the compounds and methods of treatment with the compounds.

The election of Group I is being made solely to comply with the Restriction Requirement set forth in the Office Communication. The right to file one or more divisional applications on non-elected subject matter is reserved.

Early consideration and allowance of the application are earnestly solicited.

Respectfully submitted,



Christine C. O'Day (Reg. 38,256)

EDWARDS & ANGELL, LLP

P.O. Box 55874

Boston, MA 02205

(617) 439-4444

Date: October 27, 2004